

REMARKS

AMENDMENTS TO CLAIMS

Applicant has amended claims 1, 20 and 39 so that each now includes a substantive limitation requiring the double wagers of the first wager group to include at least one wager on a non-equal, *non-consecutive* combination of two of the differentiable random events (i.e., where the outcome of event 1 and event 2 do not have the same value and are not a consecutive series of values) and the trifecta wagers to include at least one wager on a non-equal combination of three of the differentiable random events (i.e., where the outcome of event 1 and event 2 and event 3 are not all the same value and are not a consecutive series of values).

All remaining claims in the present application depend directly or indirectly from one of claims 1, 20 and 39. Therefore, every claim as currently amended expressly includes the foregoing limitation.

Traversal of Rejections Under 35 U.S.C. § 103

Examiner has rejected claims 1, 20 and 39 as being obvious over Jones in view of Timmons because Timmons includes wagers on "straights" (i.e., on consecutively valued individual outcomes such as "1-2-3"), which is not disclosed in Jones. As applicant explained during the telephone interview of May 11, 2006, Timmons does not provide *differentiable* events, and so the combination of Timmons with Jones would yield wagers on any predefined straight (e.g., any "1-2-3") without differentiating between, for example, "1-2-3" and "1-3-2". Stated differently, Timmons combined with Jones would result in wagers of predefined straights each satisfiable by more than one combination of events (e.g., a "1-2-3" wager would be satisfied by rolls of "1-2-3" or "1-3-2" or "3-1-2", etc.). By contrast, the pending claims (as they existed

prior to the instant amendments and presently) differentiate between each such wagers: a "1-2-3" outcome of events is not equivalent to a "1-3-2" outcome, and the latter outcome would not satisfy a "1-2-3" wager as it would in the hypothetical Timmons combined with Jones.

Regardless, Examiner conceded during the May 11 interview that Jones in combination with Timmons does not disclose wagers on non-equal, *non-consecutive* combinations of two or three events. Consequently, without prejudice to applicant's right to reintroduce in a later filed application the claims as previously amended, applicant has amended the claims in the present application to require at least one double and one trifecta wager on non-equal, *non-consecutive* combinations of two or three events. Thus, as presently amended and as Examiner has effectively conceded, Timmons in combination with Jones does not render the claims obvious.


Examiner rejected claims 3-8, 10-16, 18, 19, 22-27, 29-35, 37, 38, 41-46, 48-54, 56 and 57 as being unpatentable under 35 U.S.C. § 103(a) over Jones in further view of Timmons and Meeks. Each of these claims depends directly or indirectly from one of claims 1, 20 and 39. Because claims 1, 20 and 39 are now patentable over Jones in view of Timmons, so too are these dependent claims.

Conclusion

For the foregoing reasons, applicant respectfully requests that Examiner allow the claims as presently amended.

Respectfully submitted,

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